

FORM PTO-1390
(Rev 5-93)

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

ATTORNEY'S DOCKET NUMBER

TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371

SALTER P47AUSP1

INTERNATIONAL APPLICATION NO.

PCT/US2004/024291

INTERNATIONAL FILING DATE

July 27, 2004

PRIORITY DATE CLAIMED

July 28, 2003

TITLE OF INVENTION

RESPIRATORY THERAPY SYSTEM INCLUDING A NASAL CANNULA ASSEMBLY

APPLICANT(S) FOR DO/EO/US

James M. DAVENPORT, James N. CURTI, Barry CRANDALL and Peter W. SALTER

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. This is a FIRST submission of items concerning a filing under 35 U.S.C. 371.
2. This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371.
3. This express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).
4. A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. is transmitted herewith (required only if not transmitted by the International Bureau).
 - b. has been transmitted by the International Bureau. (PCT/IB/308 mailed February 10, 2005)
 - c. is not required, as the application was filed in the United States Receiving Office (RO/US)
6. The International Application, with paragraph numbering added thereto, is attached.
7. Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a. are transmitted herewith (required only if not transmitted by the International Bureau).
 - b. have been transmitted by the International Bureau.
 - c. have not been made; however, the time limit for making such amendments has NOT expired.
 - d. have not been made and will not be made.
8. A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. An Unsigned oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11. to 16. below concern other document(s) or information included:

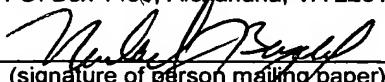
11. An Information Disclosure Statement under 37 CFR 1.97 and 1.98 with PTO/SB/08a/08b.
12. An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. A FIRST preliminary amendment.
- A SECOND or SUBSEQUENT preliminary amendment.
14. A substitute specification w/Marked-Up Version of Amended Specification.
15. A change of power of attorney and/or address letter.
16. Other items or information:

<input type="checkbox"/> Preliminary Examination Report	<input checked="" type="checkbox"/> Copy of Request
<input type="checkbox"/> Annexes to Pre. Ex. Rep.	<input checked="" type="checkbox"/> Submission of Formal Drawings
<input type="checkbox"/> International Search Report	<input checked="" type="checkbox"/> 16 sheets of formal drawings
<input type="checkbox"/> German Novelty Search Report	<input checked="" type="checkbox"/> Abstract
<input type="checkbox"/> _____ copies of citations	<input checked="" type="checkbox"/> Applicant Claims Small Entity Status
<input checked="" type="checkbox"/> Form PCT/IB/308	<input checked="" type="checkbox"/> Copy of Notification of File Missing Parts
<input checked="" type="checkbox"/> International Publ. No. WO 2005/011556 (Face page only)	<input checked="" type="checkbox"/> German Language Specification

CERTIFICATION UNDER 37 CFR 1.10

I hereby certify that this Transmittal Letter and the papers indicated as being transmitted therewith is being deposited with the United States Postal Service on this date January 27, 2006 in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number EV 681474637 US addressed to the: Mail Stop PCT, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

Michael J. Bujold
(typed or printed name of person mailing paper)


(signature of person mailing paper)

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17. ■ The following fees are submitted:

Basic National Fee (37 CFR 1.492(a)(5):

Search Report has been prepared by the EPO or JPO \$1000.00

International preliminary examination fee paid to USPTO (37 CFR 1.492)(a)(1) .. \$750.00

No international preliminary examination fee paid to USPTO (37 CFR 1.492)(a)(2)
but international search fee paid to USPTO (37 CFR 1.445(a)(2)). \$790.00Neither international preliminary examination fee (37 CFR 1.492)(a)(3)
nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO \$1,110.00International preliminary examination fee paid to USPTO (37 CFR 1.492)(a)(4)
and all claims satisfied provisions of PCT Article 33(1)-(4) \$100.00
ENTER APPROPRIATE BASIC FEE AMOUNT =

1000

Surcharge of \$130.00 for furnishing the oath or declaration later than 20 30 months
from the earliest claimed priority date (37 CFR 1.492(e)).

0

Claims	Number Filed	Number Extra	Rate	
Total Claims	43-20 =	23	x \$ 50.00	1150
Independent Claims	6-3 =	3	x \$200.00	600
Multiple dependent claim(s) (if applicable)			+ \$360.00	0
TOTAL OF ABOVE CALCULATIONS =				2750
Reduction by 1/2 for filing by small entity, if applicable. Applicant Claims Small Entity Status. (Note 37 CFR 1.9, 1.27, 1.28).				0
SUBTOTAL =				2750
Processing fee of \$130.00 for furnishing the English translation later the <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				0
TOTAL NATIONAL FEE =				0
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property				0
TOTAL FEES ENCLOSED =				2750
				Amount to be: refunded \$
				charged \$

a. ■ A check in the amount of \$ 2750 to cover the above fees is enclosed.

b. Please charge my Deposit Account No. 04-0213 in the amount of \$ to cover the above fees.
A duplicate copy of this sheet is enclosed.

c. ■ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 04-0213. A duplicate copy of this sheet is enclosed.

NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

Michael J. Bujold -- Registration No. 32,018
CUSTOMER NO. 020210
Davis & Bujold, P.L.L.C.
Fourth Floor
500 North Commercial Street
Manchester, NH 03101-1151
Telephone (603) 624-9220
Telefax (603) 624-9229

10/566305
IAP5 Rec'd PCT/PTO 27 JAN 2006
PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : James M. DAVENPORT, James N. CURTI, Barry
CRANDALL and Peter W. SALTER
Serial no. :
Filed : with an effective filing date of July 27, 2004
For : RESPIRATORY THERAPY SYSTEM
INCLUDING A NASAL CANNULA ASSEMBLY
Group Art Unit :
Examiner :
Docket : SALTER P47AUSP1

The Commissioner for Patents
U.S. Patent & Trademark Office
P. O. Box 1450
Alexandria, VA 22313-1450

SUBMISSION OF FORMAL DRAWINGS

Enclosed please find sixteen (16) sheets of new formal drawings which are to be entered in this case.

In the event that there are any fee deficiencies or additional fees are payable, please charge the same or credit any overpayment to our Deposit Account (Account No. 04-0213).

Respectfully submitted,


Michael J. Bujold, Reg. No. 32,018
Customer No. 020210
Davis & Bujold, P.L.L.C.
Fourth Floor
500 North Commercial Street
Manchester NH 03101-1151
Telephone 603-624-9220
Facsimile 603-624-9229
E-mail: patent@davisandbujold.com